



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

REGIONAL
ADMINISTRATOR'S
DIVISION

February 12, 2021

United States Coast Guard, Civil Engineering Unit-Juneau
Attn: Aaron Goldschmidt
P.O. Box 25517
Juneau, Alaska 99802-5517

Dear Mr. Goldschmidt:

The U.S. Environmental Protection Agency has reviewed the January 28, 2021 notification letter that the United States Coast Guard intends to prepare an Environmental Assessment for proposed maintenance, repair, and replacement activities at eight shoreline facilities within Civil Engineering Unit Juneau's Area of Responsibility located in southcentral and southeastern Alaska (EPA Project Number 21-0006-USCG). The EPA comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR 1500-1508) and Section 309 of the Clean Air Act. We advise you that new NEPA regulations were promulgated on September 14, 2020.

According to the letter, the Coast Guard is proposing to streamline the permitting approval process for maintenance, repair, and replacement activities at the following shoreline facilities: Base Kodiak, Sitka Moorings, Base Ketchikan, Station Valdez, Cordova Moorings, Station Juneau, Petersburg Moorings, and Station Seward. The Coast Guard intends to comply with regulatory and consultation requirements under the Endangered Species Act, Marine Mammal Protection Act, Magnuson-Stevens Fishery Conservation and Management Act, and other related regulations for identification, review, permitting, and execution of maintenance, repair, and replacement projects at the eight identified facilities. Maintenance and repair activities include replacement and/or repair of decking, piles, and other components of overwater and in-water structures (i.e., piers, wharfs, gangways) over a 5-year period.

We offer the attached scoping comments to inform the Coast Guard of issues that EPA believes are important to consider in the NEPA analysis for the project. We appreciate the opportunity to comment and are available to engage further where needed. If you would like to discuss these comments, please contact Susan Sturges at (206) 553-2117 or sturges.susan@epa.gov.

Sincerely,

Karl Pepple, Acting Chief
Policy and Environmental Review Branch

Enclosure:

U.S. Environmental Protection Agency Scoping Comments on Maintenance, Repair, and Replacement Activities at Eight Civil Engineering Unit Juneau Shoreline Facilities

U.S. Environmental Protection Agency Scoping Comments on Maintenance, Repair, and Replacement Activities at Eight Civil Engineering Unit Juneau Shoreline Facilities

Alternatives

The scoping notification provides a brief description of proposed activities without specifics, such as the size of existing and proposed replacement facilities. The EA should describe in detail the existing facilities that will be maintained, repaired, and/or replaced and clarify if proposed replacement activities would generally occur in-kind and/or expand the footprint of the shoreline facilities. The EPA advises you to evaluate in detail all reasonable alternatives that fulfill the project's purpose and need. The EA should quantify and present the environmental impacts of all alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public.

We recommend that the Coast Guard identify alternatives that avoid, minimize, and compensate for impacts to water, air, wildlife, and other resources. Reasonable alternatives could include, but are not necessarily limited to, alternative seasonal timing for construction and/or any possible dredging. Ensure that the EA identifies impacts that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives. We encourage the Coast Guard to consider identifying project design options that avoid environmental impacts.

Present clear timelines for each alternative and discuss the alternatives in the context of the Coast Guard's authorities and other relevant statutes and regulations. Provide a clear discussion of the reasons for the elimination of alternatives that are not evaluated in detail.

Permits and Authorizations

As the project intends to streamline a variety of authorizations and permits, we recommend that the EA include a list of all permits/authorizations that the project facilities already have and will need including modification(s) to any existing permit or authorization, what activity and/or facility is regulated by the permit or authorization, entities that will issue each permit and authorization, when each will expire, and conditions to assure protection of human health and the environment. Such information, presented in a consolidated fashion, will assist agency decision-makers and the public in evaluating the proposed project's impacts and mitigation required to address those impacts.

Mitigation

The EPA advises that you should identify and describe appropriate mitigation measures associated with the project, specifying which ones would be committed to by the Coast Guard or another federal, state, or local agency. The Coast Guard should explain how each measure would specifically mitigate the targeted impact, provide substantial detail on the means of implementing each mitigation measure, identify who would be responsible for implementing mitigation, indicate whether it is enforceable, and describe its anticipated effectiveness.

We recommend that for each impacted resource area, the EA describe the specific mitigation implementation thresholds, any mitigation implementation and effectiveness monitoring deemed necessary, and the criteria by which success would be determined once mitigation is fully implemented. Furthermore, for some mitigation measures, it may be necessary to describe the contingency planning and adaptive management options in place if mitigation is found to be less than fully successful.

Waters of the United States

Because the proposed action could impact waters of the U.S., we recommend the EA include the following information:

- Description of all waters of the U.S., including wetlands that could be affected by the project alternatives;
- Maps showing water locations;
- Habitat types, values, and functions associated with the waters;
- Potential discharge of dredged or fill materials into surface waters of the U.S. and related authorization by the U.S. Army Corps of Engineers;
- Mitigation plans, including compensatory mitigation required under the Clean Water Act, to reduce impacts to surface waters of the U.S.; and
- Floodplains impacts and actions to be taken to minimize the impacts.

Water Quality

Section 303(d) of the Clean Water Act requires states and tribes with EPA-approved water quality standards to identify water bodies that do not meet water quality standards and to develop water quality restoration plans to meet established water quality criteria and associated beneficial uses. The EA should discuss any impaired water bodies identified by the State of Alaska in proximity to the proposed action locations. It is important to carefully consider the impacts that this project may have on water quality. Specifically, we recommend the EA include the following information:

- Impacted waters, the nature of the impacts, and specific pollutants likely to affect those waters;
- Water bodies potentially affected by the project that are on the most recent EPA-approved 303(d) list;
- Existing restoration and enhancement efforts for those waters, how the proposed project will coordinate with on-going protection efforts, and any mitigation measures implemented to avoid further degradation of impaired waters;
- How the project would meet the antidegradation provisions of the Clean Water Act;
- Effects from this and other projects on the hydrologic conditions of the analysis area and vicinity, including impacts to groundwater and surface water resources. For groundwater, identify potentially affected groundwater basins and any potential for subsidence, and analyze impacts to springs or other open water bodies and biological resources;
- Whether construction of the project would disturb a land area of one or more acres. If so, the project would require a construction storm water discharge permit or National Pollutant Discharge Elimination System (NPDES) permit for discharges to surface waters of the U.S. The EA would need to document the project's consistency with applicable storm water permitting requirements and discuss specific mitigation measures that may be necessary or beneficial in reducing adverse impacts to water quality and aquatic resources due to the discharges; and
- Potential contamination of drinking water sources that may result from the project, contaminants of concern, and measures that would be taken to protect drinking water for communities.

Dredging

If dredging will be a part of the proposed action, the EA should include details of the dredging activities and locations. Dredging activities affect habitats and key ecological functions supporting recruitment and sustainability of estuarine and marine organisms. We advise the Coast Guard to

include a discussion of proposed duration and timing of any proposed dredging and anticipated maintenance dredging schedule (e.g., yearly, tri-annually) by alternative.

Any proposed dredging and disposal operations should be carefully planned and scheduled to avoid and minimize impacts to sensitive fish, shellfish, and habitat at critical periods for spawning and migration. We recommend that the EA evaluate the potential impacts of any proposed dredging activities on species and their habitats, e.g. substrate removal that would result in habitat loss, local resuspension of sediment and turbidity increases, or the release of nutrients resulting in an increase in eutrophication and a lack of dissolved oxygen.

As disposal options are explored, the EA should utilize the principals of regional sediment management and recognize that under the Marine Protection, Research, and Sanctuaries Act, ocean disposal should be considered only a last resort, when all other options have been exhausted. In order to support disposal decisions, an inventory of the physical and chemical characteristics of the dredged material should be conducted. We advise the Coast Guard to consider beneficial reuse of the dredged material. Beneficial use of dredged material may require additional testing like grain size compatibility analysis, Atterberg shrinkage analysis, or plasticity analysis, particularly if the dredged material would be used as fill in nearshore/intertidal habitat areas where a certain elevation is necessary.

If dredging is proposed, we recommend that the EA:

- Characterize the marine benthic environment and organisms, sediment composition and grain size, etc.;
- Identify any biologically important areas, such as migratory routes, benthic communities, and subsistence areas;
- Evaluate marine dredging, dewatering, transloading (from water to land), placement methods and options (summer and winter), and disposal sites (offshore, nearshore, upland, and open-water), as well as beneficial uses of the dredged material;
- Include and evaluate a sampling and analysis plan, as well as a marine dredging and disposal plan;
- Evaluate the following potential impacts of dredging activities on species and their habitats:
 - Substrate removal and any resulting habitat and species removal (entrainment);
 - Potential changes to estuarine bathymetry, fluvial and tidal energy, and substrate roughness, and any attendant impacts to salinity structure and estuarine circulation;
 - Potential changes to sediment transport processes, including effects on adjacent shorelines;
 - Alteration of sediment composition in and around the dredging site (including changes to the nature and diversity of benthic communities);
 - Local resuspension of sediments and any turbidity increases;
 - Spread of sediments (and any associated contaminants) into the area surrounding the dredging site;
 - Release of sediment-associated nutrients, potential increases in eutrophication and resulting decreases in dissolved oxygen concentrations;
 - Decreased primary production due to reduced transparency of the water column and/or smothering, particularly at in-water disposal sites; and
 - Enhanced bioavailability and ecotoxicological risk of background contaminants and/or chemical or biochemical changes of contaminants;
- Consider implementation of effective mitigation measures to ensure that marine resources and habitats are adequately protected; and

- Incorporate a monitoring plan for marine protected resources and associated habitats to ensure effectiveness of mitigation measures.

Potential for Ocean Disposal of Dredged Material

Under Section 102 of the Marine Protection, Research, and Sanctuaries Act, the EPA is responsible for designating and managing ocean dumping sites for all materials, including dredged material. The EPA designates ocean disposal sites through rulemaking and sites are published at 40 C.F.R. § 228.15. The EPA bases the designation of an ocean disposal site on environmental studies of a proposed site, studies of regions adjacent to the site, and historical knowledge of the impact of disposal on areas similar to the site in physical, chemical, and biological characteristics. All studies for the evaluation and potential selection of dredged material disposal sites should be conducted in accordance with the criteria for the selection of disposal sites for ocean dumping published in 40 C.F.R. §§ 228.5 and 228.6. The minimum requirements for baseline assessment surveys are found in 40 C.F.R. § 228.13.

The evaluation process includes conducting oceanographic studies to establish the environmental conditions at all alternative locations being considered as potential sites, as well as the area or region encompassing the alternative sites. Results from oceanographic studies and other sources are used to model likely dispersion and deposition of material disposed at the alternative sites and evaluate potential impacts. If there are no practicable alternatives to ocean dumping that will have a less adverse impact on the environment, this information is used to select the best ocean site proposed for designation.

If ocean disposal is proposed, we encourage the Coast Guard to engage early and actively with the EPA to ensure that site selection activities are consistent with the MPRSA and the ocean disposal criteria. The EA must be adequate for the EPA to ensure that use of the site selected for designation will not likely cause unreasonable degradation to the surrounding marine environment. In addition, only dredged material that is authorized for disposal under the MPRSA and 40 C.F.R. Part 227 may be disposed in an EPA-designated ocean dredged material disposal site.

Hazardous Materials

The EA should discuss whether any of the proposed structures for maintenance, repair, and/or replacement contain lead-based paint or asbestos. Activities like sanding, cutting, and demolition can create hazardous lead dust and airborne asbestos fibers, which can be harmful to human health. The EPA is concerned about such contamination and regulates the management and disposal of certain materials containing these hazardous substances.

We recommend that the EA address the potential environmental impacts associated with removal and disposal of asbestos, lead-based paint, or other hazardous materials, as well as disclose how the Coast Guard will ensure that removal and disposal are conducted in accordance with the National Emission Standards for Asbestos and applicable Resource Conservation and Recovery Act regulations.

We recommend that the EA also address potential impacts of management and storage of hazardous materials required for the proposed activities, as well as any hazardous and solid waste material that would be generated. We further recommend that the EA identify the sources, types, and volumes of hazardous and solid waste materials and discuss how the hazardous and solid waste material would be properly handled, stored, and disposed.

Air Quality

The EPA advises you to provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards, any applicable criteria pollutant nonattainment and maintenance areas, and potential air quality impacts of the proposed action and the alternatives. Such an evaluation is necessary to assure compliance with state and federal air quality regulations, and to disclose the potential impacts from degradation of air quality that may be caused by the proposed activities. The EA should describe and estimate air emissions from the maintenance, repair, and replacement activities for the shoreline facilities, as well as proposed mitigation measures to minimize those emissions.

Effects to Species and Habitat

The EA should characterize the baseline/affected environment of fish species and their habitats along the intertidal shoreline that may be impacted from the proposal. Both juvenile and adult salmonids migrate along the shoreline at different times of the year either out-migrating or immigrating from/to their freshwater rearing and spawning grounds. The listed locations (Kodiak Island, Prince William Sound (Valdez, Seward, and Cordova) and Southeast Alaska (Petersburg, Sitka, Ketchikan, Juneau)) all support salmonids, as well as other fish species. This information should be disclosed in the EA. The EA should analyze and discuss anadromous streams within the project vicinity that fish need to access. Potential consequences to fish and fish habitat from the project should be analyzed and discussed. Pile-driving, if proposed, can cause adverse impacts to several marine species when they occur at certain times, for long durations, or in close proximity. Minimization efforts should include work-timing windows for any proposed pile driving and isolating the work area to minimize water quality impacts.

The proposed project may impact endangered, threatened or candidate species listed under the Endangered Species Act or the Marine Mammal Protection Act, their habitats, as well as state sensitive species (i.e., marine mammals, whales, otters, etc.). We advise that the EA should describe the critical habitat for these species, identify impacts the proposed project will have on these species and their critical habitat, and how it will meet all requirements under ESA/MMPA, including consultation efforts with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The document may need to include a biological assessment and a description of the outcome of consultation(s) with the NFMS and/or the USFWS under Section 7 of the ESA. The project may require consultation with NFMS on Essential Fish Habitat per the Magnuson-Stevens Fishery Conservation and Management Act.

Impacts of Vessel Traffic

Marine traffic, including any barges and other vessels associated with the proposed maintenance, repair, and replacement activities, may result in impacts to the marine environment. For example, vessel traffic may result in potential impacts to marine mammals, including threatened and/or endangered species, and their migration patterns and routes; subsistence, commercial, and recreational fisheries; and other vessel use. We recommend the EA describe appropriate vessel traffic schedules; patterns and marine transportation routes; subsistence, commercial, and recreational fishery resources; and the migration period, patterns, and routes of potentially affected marine mammals. The impacts from vessel traffic on marine mammals, threatened and endangered species, critical habitats, and fishery resources should be analyzed in the EA, and the EA should discuss the mitigation measures that would be implemented to minimize such impacts.

Coordination with Alaska Native Tribes

The proposed project may affect tribal natural and cultural resources, including historical or traditional cultural places of importance to the area's Alaska Native communities. The Coast Guard should discuss

in the EA if the project could affect traditional way-of-life practices in tribal communities of Prince William Sound and Kodiak Island, or affect other possible federally recognized Alaska Native tribes. EPA recommends identifying historic resources, including subsistence resources, and assure that resource protections and privileges are addressed appropriately. We encourage the Coast Guard to invite any affected tribal governments to participate in the EA process and to invest the necessary time and care to appropriately work with Alaska Native tribes on a government-to-government basis to address issues concerning tribal self-government, trust resources, and tribal treaty and other rights. We recommend the EA include documentation of these consultations and discuss how tribal input was considered regarding the development of the proposed action and alternatives.

Public Participation and Environmental Justice

EPA recognizes the limits of COVID-19 on attaining in-person public participation and possible limitations to virtual public participation due to lack of computer or internet access. The EPA recommends considering suitable alternatives, if needed, for outreach to potentially impacted low income or minority communities.

EPA recommends a comprehensive accounting of all impacts on low income or minority communities, including, but not limited to, pathways unique to the impacted communities, historic exposures, and impacts to cultural, historic, and protected resources.

Alaska Native people who live in recognized indigenous villages have diets that are higher in local fish and marine mammals; this diet is especially rich in marine mammals such as seals. Most home ranges of seals are hundreds, up to thousands of square miles; this negates the perception that impacts to environmental justice communities may only occur within the geographical boundary of a proposed action area. Impacts to marine mammals that alter the accessibility, quality or spiritual connection of subsistence or traditional way-of-life practices of an indigenous minority community are a direct example of impacts to an environmental justice community.

EPA also notes that Alaska Native villages disproportionately face intensifying climate change impacts as global temperatures and sea levels rise. Alaska Native livelihoods and health are closely tied with their environment.

We recommend that subsistence resources of these environmental justice communities be addressed. Since many coastal Alaskan communities are also tribal environmental justice communities, we think it is of critical importance to demonstrate that these potential reference communities were evaluated to determine if they would bear disproportionately high and adverse effects from the proposed action.

Climate Adaptation

The EPA recommends that the EA include a discussion of reasonably foreseeable effects that changes in the climate may have on the proposed project and project area. This could help inform the development of measures to improve the resilience of the proposed shoreline infrastructure and the success of proposed avoidance, minimization, and compensatory mitigation measures. If projected changes could notably exacerbate the environmental impacts of the proposed activities, the EPA recommends these impacts also be considered as part of the NEPA analysis.